IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 36003 of 2007(J)

PETITIONER:

T.M.ABDUL KADER,
S/O. MOIDEEN KUTTY, AGED 63 YEARS
MEETHALE VALAPPU HOUSE, THEKKIL FERRY,
THEKKIL VILLAGE, KASARGOD DISTRICT.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENTS:

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1. THE DEPUTY SECRETARY (LOANS)
KERALA STATE HOUSING BOARD,
THIRUVANANTHAPURAM.

2. THE ASSISTANT SECRETARY
KERALA STATE HOUSING BOARD,
KASARGOD DIVISION, KASARGOD.

3. THE DISTRICT COLLECTOR
KASARGOD.

BY GOVT.PLEADAER SIR.MATHEW GEORGE VADAKKAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)NO. 36003 OF 2007

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Dated this the 12th day of December 2007

JUDGMENT

Petitioner availed a housing loan from the Kerala State Housing Board in the year 1996. According to the petitioner, an amount of Rs.1,81,530/- was remitted. But thereafter there was default in repayment. According to the counsel for the Housing Board, the total amount due as on 31.5.2007 is Rs.9,02,582/-. Petitioner has sought for rescheduling of the repayment. He has submitted Ext.P3 in this regard before the Secretary of the Housing Board. There is a dispute as to whether the Secretary has actually received Ext.P3.

Having heard the learned counsel for the petitioner and the learned standing counsel for the Housing Board, the writ petition is disposed of in the following terms:

1) the petitioner shall submit a fresh representation before the Secretary of the Housing Board seeking rescheduling of the repayment. This shall be done within a period of four weeks from today.

2) On receipt of the representation, the Secretary shall, after notice to the petitioner, draw up a proceeding indicating a repayment

schedule. Payment shall be accordingly effected by the petitioner.

3) Coercive proceedings for recovery of amounts due from the petitioner shall be kept in abeyance till a decision is taken by the Secretary, in the manner aforementioned, provided the petitioner pays an amount of Rs.1 lakh (Rupees One lakh only) along with the application.

V.GIRI, JUDGE

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